

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

FLOYD E. RILEY,

Petitioner,

v.

RANDY DAVIS,

Respondent.

No. 05-0678-DRH

MEMORANDUM AND ORDER

HERNDON, Chief Judge:

On September 22, 2005, Floyd E. Riley filed a writ of habeas corpus pursuant to 28 U.S.C. § 2241 (Doc. 1). Specifically, Riley's petition challenges the Bureau of Prisons ("BOP") regulations regarding placement in community corrections and seeks a declaration indicating that BOP had discretion to consider him for community confinement during the last six months of his confinement. On May 23, 2006, Riley was transferred to a community corrections facility in the Kansas City area. On July 13, 2006, he was released from detention.

Pursuant to **28 U.S.C. § 636(b)(1)(B)**, Magistrate Judge Donald G. Wilkerson submitted a Report and Recommendation ("the Report") on February 19, 2008 (Doc. 13). The Report recommends that the Court deny as moot Riley's petition as he was released from detention on July 13, 2006.

The Report was sent to the parties with a notice informing them of their right to appeal by way of filing "objections" within ten days of service of the Report.

To date, none of the parties has filed objections. The period in which to file objections has expired. Therefore, pursuant to **28 U.S.C. § 636(b)**, this Court need not conduct *de novo* review. ***Thomas v. Arn*, 474 U.S. 140, 149-52 (1985)**.

Accordingly, the Court **ADOPTS** the Report (Doc. 13). The Court **DENIES as moot** Riley's petition (Doc. 1). The Court **DISMISSES with prejudice** Riley's petition. The Court **ORDERS** the Clerk of the Court to enter judgment reflecting the same.

IT IS SO ORDERED.

Signed this 10th day of March, 2008.

/s/ David R. Herndon

**Chief Judge
United States District Court**